Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Improving Public Safety	)	
Communications in the 800 MHz Band	)	WT Docket No. 02-55
and Consolidating the 900 MHz	)	
Industrial/Land Transportation	)	
and Business Pool Channels	)	
	)	

To: The Commission

COMMENTS OF THE
NATIONAL RURAL TELECOMMUNICATIONS COOPERATIVE

I. INTRODUCTION

The National Rural Telecommunications Cooperative ("NRTC") submits comments in the above captioned proceeding[1] to join the National Rural Electric Cooperative Association ("NRECA") in opposition to Nextel's proposed reallocation of the 800 MHz band. Commission policies must ensure the nation's rural public safety and electric service providers continue to have access to adequate and reliable spectrum necessary to satisfy their communications requirements. The adoption of the proposed Nextel reallocation plan would disrupt critical rural public safety and electric utility communications and result in significant uncompensated relocation costs for current 800 MHz licensees. .

[1] See *Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, Proposed Rule,* WT Docket No. 02-55, 67 Fed. Reg. 16,351 (Apr. 5, 2002) (NPRM).

NRTC is a not-for-profit cooperative comprised of 705 rural electric cooperatives, 128 rural telephone cooperatives and 189 independent rural telephone companies located throughout 46 states. Through its members and affiliates, NRTC provides advanced telecommunications technologies and services to rural America, including high-powered Direct Broadcast Satellite (DBS), broadband satellite, Internet access, long distance and automated meter reading services. NRTC also operates a licensed wireless network in the 220-222 MHz band, which it makes available to member rural electric utilities in order to support their power management and meter reading applications. Additionally, NRTC resells telecommunications and other related equipment to its members in connection with its wide range of service offerings. .

Every day, many of NRTC's members use 800 MHz mobile radio systems to support the safe and efficient operation of electric utilities throughout large parts of rural America. Not only do these radio systems facilitate the generation, transmission and distribution of electric utility services across the country on a daily basis, they are often used in responding to various emergency situations, including hurricanes, floods, fires and other natural disasters. In fact, rural electric cooperatives routinely work alongside local public safety agencies in promptly restoring electric service following these types of emergency events.

To the best of NRTC's knowledge, public safety entities and electric utilities

using 800 MHz frequencies in rural areas have not been causing interference to one another or to other operations in the band. Indeed, the current band plan has worked well in these areas. Nevertheless, under the Nextel proposal, electric cooperatives operating in the 800 MHz band would be required to relocate their systems to the 700 MHz or 900 MHz bands – at their own expense – or to remain in the 800 MHz band with secondary status. Neither of these options is viable for rural electric cooperatives. While NRTC agrees with the Commission that efforts should be undertaken to redress the public safety interference problem in the 800 MHz band, it urges the FCC to seek an alternative to the Nextel plan and certain other proposed band plans that would impose unreasonable burdens on rural electric 800 MHz licensees.

II. THE NEXTEL REALLOCATION PROPOSAL WOULD JEOPARDIZE THE RELIABILITY OF RURAL ELECTRIC PROVIDERS' WIRELESS COMMUNICATIONS SYSTEMS AND IMPOSE UNREASONABLE COSTS ON RURAL 800 MHz LICENSEES .

The wholesale relocation of 800 MHz wireless operations, of course, would involve significant investment in new equipment, installation time and site surveys to ensure that the new facilities and frequencies satisfy the incumbent's requirements. Any such sweeping reallocation of the 800 MHz band would cause substantial and unacceptable disruption to the wireless communications services of rural electric cooperatives across the country.

Many rural electric service providers are not-for-profit cooperatives. The consumer's electric bill will become the only cost-recovery avenue available to cooperatives under the Nextel plan. As a result, rural consumers who are the members of

the cooperatives ultimately will bear all of the costs associated with relocating 800 MHz wireless operations to other band(s).

If the FCC determines that the relocation of rural electric cooperatives and other incumbents ("Incumbents") is necessary in the 800 MHz band, Nextel or any other party that has been causing interference to a public safety licensee (the "Interfering Party") should be responsible for making the Incumbents "whole." In short, if the Incumbents are required to relocate their communications facilities through no fault of their own, they should be in no worse position after the relocation than they were in before it.

To that end, the Interfering Party should be required to provide the Incumbents with comparable communications facilities on equivalent frequencies, using a model similar to that employed by the Commission with respect to the relocation of Fixed Service licensees from the 2 GHz band.[2] The Incumbents' communications systems on the relocation frequencies should be at least equal to their former facilities in terms of throughput, reliability and cost of operation. If it turns out, after relocation, that the new facilities are not equal to the previous facilities, the Incumbents should be entitled to return to the original frequencies and/or to seek and implement other reasonably available remedies to make them "whole." In all events, the Interfering Party should be required to reimburse the Incumbents for any and all necessary expenses incurred by the Incumbents during the relocation process. We are encouraged that the FCC has raised this issue in the NPRM and trust that the Commission will look to its precedent in awarding costs to any innocent party required to move to new frequencies through no fault of its own in order to make way for another user's operations.

Nextel's other suggestion, for Incumbents to continue operating on a secondary, non-interference basis within the 800 MHz band, is no solution for rural electric cooperatives. Electricity is an absolutely essential service. Secondary status is simply not an option. As the FCC recognized in the NPRM, "it would not appear advisable to require a station associated with the restoration of electrical power service to precipitously discontinue service."[3] By losing the ability to operate in the 800 MHz band on a primary basis, rural electric wireless systems would no longer be able to communicate at the necessary level of reliability, especially during storms, floods, fires and other emergencies.

NRTC also is concerned that rural electric providers could lose reliability after relocation to the 700 MHz or 900 MHz bands (as contemplated by the Nextel plan). Would there be sufficient replacement spectrum to duplicate the existing 800 MHz capabilities? It is clear that current 800 MHz equipment cannot be retuned for the proposed relocation bands; accordingly, NRTC questions whether other suitable equipment is available for use, particularly in the 700 MHz band? If so, will that equipment support the applications of mission-critical electric service providers? Will it be possible to implement future technology upgrades – digital conversion and new high-speed data applications – in the relocation bands? The FCC should not embark on a massive band reallocation, thereby jeopardizing the reliability of rural electric cooperatives' wireless communications, without answering these critical and as yet

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[2] See *Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies*, PR Docket No. 92-9; and *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile Satellite Service*, ET Docket No. 95-18.
[3] NPRM at ¶ 34.

unanswered questions.

III. THE COMMISSION SHOULD CONSIDER ALTERNATIVES THAT WOULD NOT DISRUPT PUBLIC SAFETY OR PUBLIC SERVICE OPERATIONS.

NRTC urges the Commission to investigate alternatives that do not require relocation and/or to consider the possibility of relocating only the interfering parties (*i.e.*, certain Commercial Mobile Radio Service licensees) from the 800 MHz band. NRECA notes that rural electric 800 MHz licensees are not currently a source of interference to others operating in the band, and they are not experiencing harmful interference from others. A more targeted approach to deal with regions that are experiencing interference may be more appropriate. For instance, it may well be possible to treat the regions of the country affected by harmful interference with technological measures, such as those discussed in the "*Best Practices Guide*" (as well as any others that may be found effective). Market-oriented solutions, such as allowing the impacted parties to negotiate individualized channel swaps, also may be available. In fact, such measures would not only be far less costly and disruptive than band reconfiguration, but also could prove to be equally or more effective in terms of reducing or eliminating interference to public safety systems.

Should such technical or market-based solutions be determined to be infeasible in certain cases, the optimal approach then would be to identify alternative spectrum (outside of the 800 MHz band) for the party or parties that are causing interference to a public safety entity. Clearly, a regulatory approach that deals with interference problems on an as-needed, case by case basis, or that only causes disruption to the parties

responsible for the interference, is far preferable to one that requires a disruptive, unnecessary and massive spectrum relocation by public safety entities, electric utilities and other licensees that use their 800 MHz band systems for important safety-related purposes.

IV. CONCLUSION

Nextel's proposal asks rural electric consumers to pay – either financially or through acceptance of secondary status -- to solve a problem that they did not create and that does not even exist in their communities. We are confident that the FCC can arrive at another, more equitable solution to the public safety interference problem described in the NPRM.

Respectfully submitted,

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By: /s/

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